

AN ACT

relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 53.301, Utilities Code, is amended to read as follows:

Sec. 53.301. DEFINITION. (a) In this subchapter, "minor change" means a change, including the restructuring of rates of existing services, that:

(1) decreases the rates or revenues of an incumbent local exchange company; or

(2) together with any other rate change [~~or proposed~~] or approved tariff changes in the 12 months preceding the effective date of the proposed change, increases the company's total regulated intrastate gross annual revenues by not more than five percent.

(b) With regard to a change to a basic local access line rate, a "minor change" does not include a change that, together with any other change to the basic local access line rate that took effect during the 12 months preceding the effective date of the proposed change, results in an increase of more than 50 [~~10~~] percent.

SECTION 2. Section 53.304, Utilities Code, is amended to

1 read as follows:

2       Sec. 53.304. PROCEDURE TO OFFER CERTAIN SERVICES OR MAKE  
3 MINOR CHANGES. (a) An incumbent local exchange company may offer  
4 an extended local calling service, a packaged service, or a new or  
5 promotional service on an optional basis or make a minor change in  
6 its rates or tariffs if the company:

7               (1) is a cooperative corporation or has, together with  
8 all affiliated incumbent local exchange companies, fewer than  
9 31,000 access lines in service in this state;

10              (2) files with the commission and the office notice [~~a~~  
11 ~~statement of intent~~], as prescribed by Subsection (b), not later  
12 than the 10th [~~91st~~] day before the effective date of the proposed  
13 change;

14              (3) provides notice as prescribed by Section 53.305;  
15 and

16              (4) files with the commission affidavits verifying  
17 that notice as prescribed by Section 53.305 was provided.

18       (b) The notice [~~statement of intent~~] must include:

19              (1) a copy of a resolution adopted by the incumbent  
20 local exchange company's board of directors approving the proposed  
21 change;

22              (2) a description of the services affected by the  
23 proposed change;

24              (3) a copy of the proposed tariff for the affected  
25 service;

26              (4) a copy of the customer notice required by  
27 Subsection (a)(3);

(5) the number of access lines the company and each affiliate have in service in this state; and

(6) the amount by which the company's total regulated intrastate gross annual revenues will increase or decrease as a result of the proposed change.

SECTION 3. Section 53.305(b), Utilities Code, is amended to read as follows:

(b) Notice must:

(1) be provided not later than the 10th [~~61st~~] day before the effective date of the proposed change; and

(2) include:

(A) a description of the services affected by the proposed change;

(B) the effective date of the proposed change;

(C) an explanation of the customer's right to petition the commission for a review under Section 53.306, including the number of persons required to petition before a commission review will occur;

(D) an explanation of the customer's right to information concerning how to obtain a copy of the proposed tariff from the company;

(E) the amount by which the company's total regulated intrastate gross annual revenues will increase or decrease as a result of the proposed change; and

(F) a list of rates that are affected by the proposed rate change.

SECTION 4. This Act applies only to a proposal to offer a

1 service or to change a rate or tariff notice of which is filed on or  
2 after the effective date of this Act. A proposal to offer a service  
3 or to change a rate or tariff for which a statement of intent is  
4 filed before the effective date of this Act is governed by the law  
5 in effect on the date the statement was filed, and that law is  
6 continued in effect for that purpose.

7 SECTION 5. This Act takes effect September 1, 2011.

H.B. No. 2680

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 2680 was passed by the House on April 20, 2011, by the following vote: Yeas 101, Nays 36, 3 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2680 was passed by the Senate on May 10, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED: 21 MAY '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

7:50pm O'CLOCK

MAY 21 2011

W. Gary McDaniel

Secretary of State